

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO**

STATE OF OHIO, *et al.*,

Plaintiff,

v.

XAVIER BECERRA, in his official
capacity as Secretary of Health and Human
Services, *et al.*,

Defendants.

Case No. 1:21-cv-675

District Judge Timothy S. Black

STIPULATION

On November 1, 2021, the Court entered an order requesting that the parties submit a stipulation that a complete administrative record is not necessary for the Court to decide Plaintiffs' preliminary injunction motion. *See* Minute Entry and Notation Order (Nov. 1, 2021).

The parties agree that this Court may adjudicate Plaintiffs' preliminary injunction motion prior to Defendants' submission of a certified administrative record, and that doing so will not unfairly prejudice the parties. *See, e.g., California v. Azar*, 950 F.3d 1067, 1083 & n.11 (9th Cir. 2020) (*en banc*) (explaining that courts may rule on preliminary injunction motions before administrative record is completed where doing so is not unfair to either party). The parties reserve the right to raise arguments pertaining to whether material is, or will be, inside or outside of the administrative record, and whether the absence of any material affects the propriety of granting preliminary relief.

Dated: November 1, 2021

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